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General Assembly

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A/C.5/47/L.2
13 November 1992

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Forty-seventh session
FIFTH COMMITTEE
Agenda item 112 (b)

PERSONNEL QUESTIONS: RESPECT FOR THE PRIVILEGES AND IMMUNITIES OF OFFICIALS OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS

Draft resolution submitted by the Chairman following informal consultations

The General Assembly,

Recalling that, under Article 105 of the Charter of the United Nations, all officials of the Organization shall enjoy in the territory of each of its Member States such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization,

Also recalling that, under Article 100 of the Charter, each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities,

Further recalling the Convention on the Privileges and Immunities of the United Nations, 1/ the Convention on the Privileges and Immunities of the Specialized Agencies, 2/ the Agreement on the Privileges and Immunities of the International Atomic Energy Agency and the United Nations Development Programme Standard Basic Assistance Agreements,

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1/ Resolution 22 A (I).

2/ Resolution 179 (II).

Stressing that respect for the privileges and immunities of officials of the United Nations and the specialized agencies is becoming even more imperative owing to the growing number of assignments entrusted to the organizations of the United Nations system by the member States,

Recalling its resolution 76 (I) of 7 December 1946, in which it approved the granting of the privileges and immunities referred to in articles V and VII of the Convention on the Privileges and Immunities of the United Nations to all members of the staff of the United Nations, with the exception of those who are recruited locally and are assigned to hourly rates,

Also recalling its resolution 43/173 of 9 December 1988, to which is annexed the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, including the principle that all persons under arrest or detention shall be provided whenever necessary with medical care and treatment,

Reiterating the obligation of all officials of the Organization in the conduct of their duties to observe fully both the laws and regulations of Member States and their duties and responsibilities to the Organization,

Mindful of the responsibilities of the Secretary-General to safeguard the functional immunity of all United Nations officials,

Mindful also of the importance in this respect of the provision by Member States of adequate and immediate information concerning the arrest and detention of staff members and, more particularly, their granting of access to them,

Bearing in mind the considerations of the Secretary-General to guarantee appropriate standards of justice and due process to United Nations officials,

1. Takes note with grave concern of the report submitted by the Secretary-General 3/ on behalf of the members of the Administrative Committee on Coordination, and of the developments therein;

2. Strongly deplores the unprecedented and still increasing number of fatalities which have occurred amongst United Nations personnel, including those engaged in peace-keeping operations;

3. Deplores the continuing existence of cases where the functioning, safety and well-being of officials have been placed in jeopardy;

4. Condemns and deplores the disregard for Article 105 of the Charter of the United Nations displayed by some Member States;

3/ A/C.5/47/14.

5. Reaffirms in its entirety its resolution 45/240 of 21 December 1990;

6. Reiterates the importance of providing access of United Nations medical teams to detained staff and requests Member States to facilitate medical care deemed necessary by such teams;

7. Requests the Secretary-General to take all necessary measures to ensure the safety of United Nations personnel, as well as those engaged in peace-keeping and humanitarian operations;

8. Reminds host countries of their responsibility for the safety of peace-keeping and all United Nations personnel on their territory;

9. Strongly affirms that disregard for the privileges and immunities of officials has always constituted one of the main obstacles to the implementation of the missions and programmes assigned to the organizations of the United Nations system by member States;

10. Requests the Secretary-General and Member States to continue their efforts to ensure respect for the privileges and immunities of officials and requests the Secretary-General to continue to submit on behalf of the Administrative Committee on Coordination reports on the subject to the General Assembly.

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UNITED NATIONS

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25 November 1992

ORIGINAL: ENGLISH

Forty-seventh session
FIFTH COMMITTEE
Agenda item 145

FINANCING OF THE UNITED NATIONS OPERATION IN SOMALIA

Draft resolution submitted by the Chairman

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Operation in Somalia 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/

Bearing in mind Security Council resolution 751 (1992) of 24 April 1992 by which the Council, inter alia, decided to establish under its authority a United Nations Operation in Somalia, requested the Secretary-General to deploy military observers to monitor the cease-fire in Mogadishu and agreed, in principle, to the deployment of a United Nations security force under the overall direction of the Secretary-General's Special Representative to provide security and to escort deliveries of humanitarian supplies,

Bearing in mind also Security Council resolution 767 (1992) of 27 July 1992, by which the Council, inter alia approved the establishment of four operational zones in Somalia as part of the consolidated United Nations Operation in Somalia and Council resolution 775 (1992) of 28 August 1992, by which the Council, inter alia authorized the increase in the strength of the United Nations Operation in Somalia,

Recognizing that the costs of the United Nations Operation in Somalia are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

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1/ A/47/607.

2/ A/47/674.

Recognizing also that, in order to meet the expenditures caused by the United Nations Operation in Somalia, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the United Nations Operation in Somalia with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions; 2/

2. Requests the Secretary-General to establish firm internal control on all financial transactions including detailed and up-to-date recording and close monitoring by certifying officers and supervisory staff in accordance with the recommendation of the Advisory Committee on Administrative and Budgetary Questions; 3/

3. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Operation in Somalia in full and on time;

4. Affirms that it is important that the question of the duration of the mandate of the United Nations Operation in Somalia should be resolved as soon as possible;

5. Notes in this context the intention of the Secretary-General to submit a report to the Security Council on the situation in Somalia within the next six months;

6. Decides at this stage to appropriate, in accordance with the recommendation contained in paragraph [illegible] of the report of the Advisory Committee, 2/ a total amount of 109,652,000 United States dollars gross (107,912,800 dollars net), inclusive of the amount of 17,410,000 dollars authorized with the prior concurrence of the Advisory Committee, for the

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3/ Ibid., para. 38.

period from 1 May 1992 to 30 April 1993, and requests the Secretary-General to establish a special account for United Nations Operation in Somalia in accordance with paragraph 23 of his report; 1/

7. Decides also, as an ad hoc arrangement, to apportion the amount of 6,953,100 dollars gross (6,741,600 dollars net) for the period from 1 May to 31 October 1992 and the amount of 102,698,900 dollars gross (101,171,200 dollars net) for the period from 1 November 1992 to 30 April 1993 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991 and 46/198 of 20 December 1991, and taking into account the scale of assessments for the years 1992, 1993 and 1994; 4/

8. Decides further that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 211,500 dollars for the period from 1 May to 31 October 1992 and 1,527,700 dollars for the period from 1 November 1992 to 30 April 1993 approved for the United Nations Operation in Somalia;

9. Authorizes the Secretary-General to enter into commitments for the operation of the United Nations Operation in Somalia, if necessary and pending the appropriation by the General Assembly, at a rate not to exceed 14 million dollars gross (13.7 million dollars net) per month for the initial months beginning 1 May 1993, should the Security Council decide to continue the operation beyond 30 April 1993, subject to obtaining the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions for the actual level of commitments to be entered into for the period beyond 30 April 1993, the said amount to be apportioned among Member States in accordance with the scheme set out in the present resolution;

10. Decides to consider the contributions of Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Kazakhstan, Kyrgyzstan, the Republic of Moldova, San Marino, Slovenia, Tajikistan, Turkmenistan and Uzbekistan to the United Nations Operation in Somalia in accordance with the rates of assessment to be adopted by the General Assembly for these Member States at its forty-seventh session;

11. Invites the new Member States listed in paragraph 10 above to make advance payments against their assessed contributions to be determined;

12. Invites voluntary contributions to the United Nations Operation in Somalia in cash and in the form of services and supplies acceptable to the

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4/ Resolution 46/221 A.

Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

13. Requests the Secretary-General to take all necessary action to ensure that all United Nations activities related to the United Nations Operation in Somalia are administered under the authority of his Special Representative in a coordinated fashion with a maximum of efficiency and economy and in accordance with the relevant mandates; and further requests the Secretary-General to report on the arrangement made in this regard in the report on the financial performance of the United Nations Operation in Somalia;

14. Decides to include in the provisional agenda of its forty-eighth session the item entitled "Financing of the United Nations Operation in Somalia".